

On motion of Mr. Taylor of Fannin, the communications were referred to the Committee on General Land Office.

Mr. White offered the following resolution:

Resolved, That the peace and safety of every part of this State require that the Northern part of it shall be settled by slaveholders without delay.

And to that end, that the Committee on State Affairs be instructed to report a bill providing for land bounties to slaveholders who may emigrate from other States, and settle permanently in the part of this State west of longitude 23° , and north of latitude 33° ; the bounties to be proportioned to the number of slaves; and providing further, that any other land bounties shall not be allowed in that part of the State; that all appropriations of lands in that quarter be suspended, and a general survey of that territory be made on the plan of the United States, and that the bounties to slaveholders be allowed as the surveys may progress.

Referred to the Committee on State Affairs.

On motion of Mr. Martin, the Senate adjourned till to-morrow morning, at 10 o'clock.

FRIDAY, August 1st, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Hill, chairman of the committee on Claims and Accounts, to which was referred a bill for the relief of Wm. B. Jacques; a bill for the relief of Wm. Dean; and a bill for the relief of W. H. Selman, reported the same back and recommended their passage.

Mr. Taylor of Fannin, chairman of the committee on Private Land Claims No. 1, to which was referred a bill for the relief of the heirs of Isaac L. Ewing, reported the same back and recommend its passage.

Mr. Whitaker, chairman of the committee on Private land claims No. 2, to which were referred a bill for the relief of Wm. Herrin.

A bill for the relief of Thomas Peck, and

A bill for the relief of James M. Monroe, reported the same back for the favorable consideration of the Senate.

Mr. Armstrong from the committee on Private land claims No. 1, made the following reports :

The committee on Private land claims, to which was referred the petition for the relief of Alexander McLane, have examined the evidence and find that said McLane was a citizen and resident of Texas before and at the declaration of the Independence of Texas, was head of a family and contributed to the defence of the country, and has never received his quantum of land, and in view of which, said committee recommend the passage of the bill accompanying, for his relief.

A bill for the relief of Alexander McLane ; read 1st time.

The committee on Private land claims, to which was referred the bill for the relief of John McCay, have examined the claim, believing that the applicant is justly entitled to 320 acres of land instead of 1280, and recommend the adoption of accompanying substitute, and the passage of the bill.

Mr. Hill, from the committee on Private land claims No. 1. to which was referred the petition of John H. Smithers, reported a bill for his relief, and recommended its passage.

A bill for the relief of John H. Smithers ; read 1st time.

Mr. Scott, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands, to which was referred a bill and petition of the officers and men of the Navy of the late republic of Texas, asking to be placed upon the same footing with the land force of the army, have had the same under consideration, and find that the following promise was made by the members of the consultation on the 6th of November 1835, (Journals of consultation, page 25.) "Any who embark in our cause in the *army* or *navy*, shall be liberally rewarded in land and money, and in the blessings of a grateful and redeemed people." The committee, notwithstanding the seemingly direct pledge of the consultation of Texas, to remunerate the members of the Navy in lands, are of opinion that the Navy should not have the same benefits of land grants that the army has had, for the reason, that under the regulation of the Navy, they are to be beneficiaries of all prizes, which may be captured by them, and the committee are of opinion, that if the claims of the Navy are or were entitled to the same grants of land that have been granted to the army, that the same law would have provided for them also, and as they were left out, the committee are of opinion, that at this distance of time, they are not so well prepared to

determine the equity of their claims as were earlier deliberative bodies which have considered this question, and as the committee believe, refused the relief here sought. I am therefore instructed, by a majority of the committee, to recommend the rejection of the bill and petition.

Mr. Potter, chairman of the Judiciary committee, to which was referred a bill making compensation to the State of Georgia, for arms lost by the Georgia battalion at the massacre of Goliad, reported a substitute for the bill and recommend its adoption, and the passage of the bill.

Mr. Hill, chairman of the committee on Claims and Accounts, to which was referred the petition of David Scott, reported the same back, and on account of the insufficiency of the evidence, recommend its rejection.

Mr. Scott, chairman of the committee on Public Lands, made the following report :

The committee on Public lands, to which was referred the bill amendatory of the 14th section of an act to provide for the construction of the Mississippi and Pacific Railroad, approved December 21st, 1853, have had the same under consideration, and a majority of the committee have instructed me to report the following substitute for the same, and recommend its adoption and the passage of the bill.

A message was received from the Governor, transmitting the following communication :

Gentlemen of the Senate,

and of the House of Representatives :

I return herewith to the Senate, an act to incorporate the Austin City Bridge Company :

This act authorizes the corporation created by it to construct a bridge across the Colorado river, anywhere in the limits of the city of Austin, or the town tract adjoining, within five years from this time. These limits have a front on the river, of about two miles, and this Charter, in effect, gives this company the exclusive privileges of building a bridge anywhere in these limits for five years, because until this company shall have erected its bridge, its rights extend over the entire limits named.

I think the company ought to be required to designate the site of its bridge, within one or two years at the most, for it is by no means improbable that long before the expiration of five years, a company may be organized, which will undertake the construction of a bridge within these limits for the privi-

lege of charging half the rate of toll, that this company is authorized to charge.

Another serious objection to this Charter is, that it has fifty years to run, and the tolls are established for all that time, at rates suited to the present travel. In all such Charters the right to change and regulate the tolls from time to time, should be retained by the Legislature.

These matters may be thought by some, not worthy of consideration at this time, but should it so happen that this company shall select the only suitable site for the erection of a bridge in the vicinity of this city, and acquire the right of exacting tolls for fifty years at rates which will hereafter be considered exorbitant—the question will then be asked why proper restrictions were not placed in this Charter to protect the public from imposition and extortion. Being unwilling to approve this Charter, without the restrictions indicated, it is returned to you for reconsideration.

E. M. PEASE.

On motion of Mr. Caldwell, the communication and bill were laid on the table.

Mr. Scarborough introduced a Joint resolution, relative to the establishment of a direct mail route between the cities of Brownsville and Austin; read 1st time.

On motion of Mr. Scarborough, the rule was suspended, the bill read 2d time and ordered to be engrossed.

On motion of Mr. Flanagan, the rule was further suspended; bill read 3d time and passed.

Mr. Allen introduced a bill to amend the 1st section, and repeal the 6th section of an act to incorporate Goodman's Turnpike Company, approved 24th December, 1851; read 1st and 2d times and referred to the committee on Roads, Bridges and Ferries.

ORDERS OF THE DAY.

Under the Resolution adopted yesterday, Mr. Allen called up a bill for the relief of the heirs of Benj. Y. Gillen deceased; read 2d time and ordered to be engrossed; rule suspended, bill read 3d time and passed.

Mr. Armstrong called up a bill to quiet Land titles, with the report of the committee on the Judiciary, offering a substitute therefor.

On motion of Mr. Guinn, the report was laid on the table.

On motion of Mr. Taylor of Cass, the motion of Mr. White to reconsider the vote adopting the amendment, offered by

Mr. Taylor of Fannin, to the bill, was taken from the table.

On motion of Mr. Whitaker, a call of the Senate was ordered. Absent—Messrs. Hill, Hord and Pedigo.

Mr. Bryan called up a bill for the relief of Thos. G. Master-son; read 2d time and ordered to be engrossed; rule suspended, bill read 3d time and passed.

Mr. Burroughs called up a bill for the relief of the heirs of Wm. McFaddin; read 2nd time and ordered to be engrossed; rule suspended, bill read 3d time and passed.

The Senate being full, the motion of Mr. White to reconsider the vote adopting the amendment to the bill to quiet Land titles, offered by Mr. Taylor of Fannin, was carried.

Mr. Pedigo offered a bill to provide for the repeal of grants or patents to land, as a substitute for the original bill and amendment.

Mr. McCulloch moved the indefinite postponement of the bill, substitute and amendments.

Mr. Guinn moved a call of the Senate—carried.

The Senate being full, the motion to postpone indefinitely, was lost by the following vote:

YEAS.—Messrs. Allen, Bryan, Caldwell, Hill, Hord, McCulloch, McDade, Maverick, Palmer, Potter, Scarborough, Superviele, Taylor of Cass, and Whitaker—14.

NAYS.—Messrs. Armstrong, Burroughs, Flanagan, Grimes, Guinn, Lott, Martin, Millican, Pedigo, Pirkey, Russell, Scott, Taylor of Houston, Truit, Weatherford, White and Wren—17.

The substitute was then rejected by the following vote:

YEAS.—Messrs. Bryan, Burroughs, Caldwell, Flanagan, Hord, McCulloch, McDade, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Weatherford and Whitaker—15.

NAYS.—Messrs. Allen, Armstrong, Grimes, Guinn, Hill, Lott, Martin, Millican, Pirkey, Russell Scott, Taylor of Cass, Taylor of Houston, Truit, White and Wren—16.

On motion of Mr. White, the amendment offered by Mr. Taylor of Fannin, was laid on the table by the following vote:

YEAS.—Messrs. Armstrong, Flanagan, Grimes, Guinn, Lott, Martin, Pedigo, Pirkey, Russell, Scott, Taylor of Cass, Taylor of Houston, Truit, Weatherford, White and Wren—16.

NAYS.—Messrs. Allen, Bryan, Burroughs, Caldwell, Hill, Hord, McCulloch, McDade, Maverick, Millican, Palmer, Potter, Scarborough, Superviele and Whitaker—15.

Mr. Hill moved to reconsider the vote rejecting the substitute offered by Mr. Pedigo—lost by the following vote :

YEAS.—Messrs. Allen, Bryan, Burroughs, Caldwell, Hill, Hord, McCulloch, McDade, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele and Whitaker—15.

NAYS.—Messrs. Armstrong, Flanagan, Guinn, Lott, Martin, Millican, Pirkey, Russell, Scott, Taylor of Cass, Taylor of Houston, Truit, Weatherford, White and Wren—16.

On motion of Mr. Grimes, the report of the Judiciary committee on the bill, was taken up and adopted.

On motion of Mr. Flanagan, the bill was amended by adding, "Ten years actual occupancy shall give title against any claimant or claimants, as likewise the State, for as much as one league and labor, and no more.

Mr. Taylor of Cass, offered the following amendment :

"Provided that this act shall not be construed to repeal, or in any way change any law heretofore passed, quieting land, titles,"—adopted.

Mr. Palmer offered the following amendment : That no suit, under the provisions of this act, shall be brought by or entertained in favor of any party who is out of possession ; against any party who is in possession, in good faith, at the time of the passage of this act, of the land claimed by him, provided said possession shall not be construed to extend to more than one league and labor of land—adopted by the following vote :

YEAS.—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Hill, Hord, McCulloch, McDade, Maverick, Palmer, Potter, Scarborough, Taylor of Cass and Whitaker—16.

NAYS.—Messrs. Armstrong, Grimes, Guinn, Lott, Martin, Millican, Pedigo, Pirkey, Russell, Scott, Taylor of Houston, Truit, Weatherford, White and Wren—15.

Mr. Hord offered the following amendment : That all lands, the titles to which may be declared fraudulent, or null, or escheated or forfeited under this act, shall be set aside and reserved for the benefit of common schools—rejected by the following vote :

YEAS.—Messrs. Allen, Bryan, Caldwell, Hill, Hord, McCulloch, McDade, Maverick, Palmer, Potter, Scarborough, Superviele, Taylor of Cass, and Whitaker—14.

NAYS.—Messrs. Armstrong, Burroughs, Flanagan, Grimes, Guinn, Lott, Martin, Millican, Pedigo, Pirkey, Russell, Scott, Taylor of Houston, Truit, Weatherford and White—16.

Mr. Pedigo offered the following amendment :

"Provided, however, that no title shall be declared forfeited by reason of the non-performance of conditions annexed thereto, when performance may have been prevented by the existence of war or the change of Government ;" rejected by the following vote :

YEAS.—Messrs. Allen, Bryan, Caldwell, Hill, McCulloch, McDade, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele and Whitaker—14.

NAYS.—Messrs. Armstrong, Burroughs, Flanagan, Grimes, Guinn, Lott, Martin, Millican, Pirkey, Russell, Scott, Taylor of Cass, Taylor of Houston, Truit, Weatherford, and White—16.

Mr. Palmer offered the following amendment :

SEC. —. That in all cases in which the Statute of limitations can be pleaded under this act, or the general law against other parties, it may be pleaded against married women, and shall protect the party in possession, as fully against married women as against other persons—rejected by the following vote :

YEAS.—Messrs. Burroughs, Caldwell, Flanagan, Grimes, Hill, Hord, Lott, McDade, Martin, Palmer, Potter, Superviele, Taylor of Cass, Truit and Whitaker—15.

NAYS.—Messrs. Allen, Armstrong, Bryan, Guinn, McCulloch, Maverick, Millican, Pedigo, Pirkey, Russell, Scarborough, Scott, Taylor of Houston, Weatherford and White—15.

Mr. Bryan offered the following amendment :

"SEC. 3. That the headright, augmentation and special grants to Colonists, lying in either Austin or DeWitt counties are hereby confirmed ; conditions of said grants are released, provided that this section shall extend only to grants issued previous to the 13th day of November, 1835."

On motion of Mr. Flanagan, the amendment was laid on the table by the following vote :

YEAS.—Messrs. Allen, Armstrong, Burroughs, Flanagan, Grimes, Guinn, Lott, Martin, Pedigo, Pirkey, Russell, Scott, Taylor of Cass, Taylor of Houston, Truit, Weatherford, Whitaker and Wren—18.

NAYS.—Messrs. Bryan, Caldwell, Hill, McCulloch, McDade, Maverick, Millican, Palmer, Potter, Scarborough and Superviele—11.

On motion of Mr. Flanagan, the previous question was ordered.

The bill was then ordered to be engrossed.

A message was received from the House informing the Senate that the House had passed the following bills, originating in the Senate, viz :

A bill to amend an act to incorporate the Union Marine and Fire Insurance Company.

A bill to incorporate the town of Boston, in the county of Bowie.

A bill for the relief of Samuel McKneely.

And a bill for the relief of A. M. Clare.

Also the following bills originating in the House, viz :

A bill to amend the 2d section of an act to incorporate the Dallas Bridge and Causeway Company.

A bill to confirm titles issued to W. Stanley.

A bill to incorporate Cartmell Lodge No. 39 I. O. O. F.

A bill to incorporate Jamestown Academy.

A bill authorizing C. C. DeWitt to construct a bridge across the Guadalupe river, near the town of Gonzales.

A bill authorizing the County Court of McLennan county to levy a special tax for two years.

A bill to amend an act to incorporate the "Brownsville and Rio Grande Railroad Company," approved Feb. 7th, 1853.

A bill for the relief of Nathaniel Prescott, Eliza Green, R. S. Wheat and L. G. McGaughey.

A bill for the relief of John A. Robb.

A bill for the relief of David F. Owen and Abner B. Spier.

And a Joint Resolution instructing our Senators and requesting our Representatives to use their influence to procure the incorporation of the officers of the late Navy of Texas, into the Navy of the United States.

And that the House had adopted the report of the committee of Conference on a bill to provide for the investment of the Special School fund in the bonds of Rail road companies incorporated by the State.

Mr. Allen, chairman of the committee on Enrolled Bills made the following report :

The Joint Committee on enrolled bills, have examined the following bills, viz :

A bill to incorporate the Texas Cotton seed oil and Paper Manufacturing Company.

A bill granting to Caroline Stafford the privilege of erecting a toll bridge across Mud Creek in the county of Cherokee.

A bill to create a new Land District out of the county of Karnes.

A bill for the relief of Jack R. Everett.

A bill to punish persons for writing upon, defacing or disfiguring the Public Buildings of the State.

A bill to locate permanently the county-seat of Newton county.

And a bill to incorporate Waco Female Seminary, and find them correctly Enrolled, properly signed and were on yesterday presented to the Governor.

On motion of Mr. Taylor of Houston, Mr. Taylor of Fanin was excused from attendance on the Senate, on account of indisposition.

Mr. Caldwell called up a bill granting certain Real Estate to the city of Austin, together with the report of the committee on the Judiciary, offering a substitute therefor—read, substitute adopted, and laid on the table.

Mr. Wren, introduced a bill for the relief of Mary G. Woodard; read 1st and 2nd time and referred to the committee on Private Land claims No. 2.

Mr. Flanagan called up a bill, making compensation to the State of Georgia for arms lost by the Georgia Battallion at the massacre of Goliad, with the report of the committee on the Judiciary offering a substitute therefor—read and substitute adopted.

On motion of Mr. Palmer, the bill was amended by striking out "how much the State of Texas ought to pay" and inserting "how much the State of Georgia demands of the State of Texas, as due for said arms."

The bill was then ordered to be engrossed.

On motion of Mr. Hill, the rule was suspended; bill read 3d time and passed by the following vote:

YEAS.—Messrs. Bryan, Caldwell, Grimes, Guinn, Hill, Hord, McCulloch, McDade, Martin, Maverick, Palmer, Potter, Scarborough, Scott, Taylor of Cass, Taylor of Houston, Truit, White and Wren—19.

NAYS.—Messrs. Burroughs, Flanagan, Millican, Pirkey, Russell, Superviele and Weatherford—7.

On motion of Mr. Martin, the Senate adjourned till tomorrow morning at 8 o'clock.